

**CITY OF WILMINGTON
REGULAR CITY COUNCIL MEETING MINUTES
TUESDAY, MAY 1, 2018**

The Council of the City of Wilmington met in regular session on the above date at 6:30 p.m., City Hall, Council Chambers, 102 North Third Street, Wilmington, North Carolina. Those present were: Mayor Bill Saffo, presiding; Mayor Pro-Tem Margaret Haynes; Councilmembers Charlie Rivenbark, Kevin O'Grady, Councilmember Neil Anderson, Paul Lawler, and Clifford Barnett, Sr.; City Manager Sterling Cheatham; City Attorney John Joye; and City Clerk Penelope Spicer-Sidbury.

Rev. James Jamison, Chaplin, Wilmington Police Department gave the invocation followed by the Pledge of Allegiance to the Flag.

Mayor Saffo recognized former Councilmember Mr. Ronald Sparks.

PRESENTATIONS

Proclamation naming May 2018 as National Preservation Month was read and presented by Mayor Saffo to Ms. Beth Rutledge, Executive Director, Historic Wilmington Foundation.

Proclamation naming May 2018 as Bicycle Awareness Month was read and presented by Mayor Saffo to Mr. Shawn Spencer, Chairman, WMPO Bicycle and Pedestrian Advisory Committee.

Proclamation naming May 6-13, 2018 as National Music week was read and presented by Mayor Saffo to Ms. Vivian Carter, President, Thursday Morning Music Club.

Mayor Saffo and Council recognized NC House Representative Deb Butler for her Legislative Services. Mayor Pro-Tem Haynes presented the plaque to Representative Butler.

Ms. Betsy Kahn, Chairman, Wilmington Housing Authority and Ms. Katrina Redmon, CEO Wilmington Housing Authority gave an Annual Update on the activities of Wilmington Housing Authority.

Ms. Laura Mortell, Budget Director presented the FY19 Recommended Budget.

CONSENT AGENDA

Councilmember O'Grady pulled Item C2 (**Resolution Of The City Council, Of The City Of Wilmington, North Carolina Providing For The Issuance Of Not To Exceed \$15,300,000 General Obligation Bonds, Series 2018 Of The City Of Wilmington, North Carolina**) for further consideration.

Items on the Consent Agenda were acted upon and unanimously adopted on motion of Councilmember Anderson, seconded by Councilmember O'Grady as presented as follows:

Approved Minutes of the Special Council meeting of February 5, 2018, the Special Council meeting of February 19, 2018, the Special Council Meeting of March 5, 2018, the Special Council Meeting of April 9, 2018, the Agenda Briefing Meeting of April 16, 2018, and the Regular Council Meeting of April 17, 2018.

Adopted Resolution Authorizing the Purchase of Twenty Police Vehicles from Ilderton Dodge Chrysler Jeep Ram of High Point, NC for \$500,060.

Resolution Of The City Council, Of The City Of Wilmington, North Carolina Providing For The Issuance Of Not To Exceed \$15,300,000 General Obligation Bonds, Series 2018 Of The City Of Wilmington, North Carolina was considered.

Ms. Jennifer Maready, Finance Director stated that this Resolution is related to a Bond Order adopted by Council on July 8, 2014 for street and sidewalk improvement projects. The Bond order was for \$44 million and the estimated cost for the projects was \$55 million. On November 4, 2014 City taxpayers voted in favor of the referendum, and on July 1, 2015 a \$0.02 was added to the tax rate to help fund the debt service. Ms. Maready gave an overview of the 2014 Bond financing, financial planning aspects, and project funding. She stated that 80% (\$44 million) is funded by debt and the remaining 20% (\$11 million) is funded with cash. She added that some of the projects are funded up front by the City and when Bonds are issued the City is reimbursed for incurred expenses. Ms. Maready specified that this Bond issuance is the first of a series of three (3), and future Bond issues are based on project completion and funding needs.

Following further consideration, Councilmember O'Grady moved approval of the Resolution, seconded by Mayor Pro-Tem Haynes and the motion carried unanimously.

PUBLIC INFORMTION

Mr. Ronald Sparks, P.E. spoke to Council regarding "Love Grove." Mr. Sparks thanked Council, as well as the citizens of Wilmington and showed a video entitled *Love Grove Community a Day to Remember*.

Ms. Lynn McIntyre spoke to Council regarding "Code and Permit Lack of People." Ms. McIntyre stated that Code Enforcement needs more people because of all the new construction going on particularly on 17th Street, Cape Fear River, MLK Parkway, and Greenfield. She added since building permits are not being posted where citizens can view them hence the damage is done before it is realized that there is no permit, and this situation is happening mostly with multi-family dwellings. Ms. McIntyre specified that multi-family dwellings are clogging up the streets and lawns with cars. She stated that for this reason Code Enforcement needs more Staff to help control what is getting out of control in the inner city.

PUBLIC HEARINGS

Ordinance Approving the Amended and Restated Development Agreement with NNP-IV Cape Fear River, LLC for the "RiverLights" was considered.

Mr. John Joye, City Attorney stated that Staff is requesting a continuance to Council's May 15, 2018 meeting so that Council can review the full red line copy and complexities of this Item. He added that the people of RiverLights were notified and there was no objection for the continuance of this Item.

Following further consideration, Mayor Pro-Tem Haynes moved to continue the Public Hearing to Council's May 15, 2018 meeting, seconded by Councilmember Lawler and the motion carried unanimously.

Public Hearing was held on Ordinance Amending the Official Zoning Maps of the City to Rezone Property Located at 5501 through 5707 Wrightsville Avenue, including the right-of-way from MHP, Manufactured Housing Park District to R-7, Residential District.

Ms. Megan Upchurch, Associate Planner gave the Staff report and findings of fact. She stated that the subject site is 26 parcels plotted as Greenwood Estates which currently is mistakenly identified on the City of Wilmington's Zoning Map as R-15 Residential District. As a result of this finding Staff held a community meeting on February 27, 2018 for the affected property owners to discuss options. There was a general consensus among the property owners to move forward with the Staff initiated rezoning request to change the affected parcels to a Single Family Residential District. The R-7 Residential District was selected because it is mostly consistent with developing patterns within the area in terms of lot size, set back requirements, and allowable land uses. The site is approximately 9.31 acres including the right-of-way and is currently a mix of uses. North of the proposed site is property zoned MHP; south property zoned

O&I-1, CB, MHP, and R-15; east MFL; and CB to the west. Land uses include single family and mobile home park to the north and south; single family to the east; and commercial to the west. The proposed zoning would allow the 26 lots to be rezoned from MHP to R-7 and all existing mobile homes would be grandfathered in. Ms. Upchurch stated that on April 4, 2018 the Planning Commission unanimously voted for approval of this rezoning. She added that Staff believes the zoning site is consistent with the Comprehensive Plan, the Wilmington Strategic Plan, and is in the public interest.

There being no one present to speak, the public hearing was closed.

Councilmember Rivenbark moved approval of the Ordinance and read the consistency statement as follows:

I move to **APPROVE** the proposed amendment to rezone property located at 5501 to 5707 Wrightsville Avenue from MHP, Manufactured Housing Park district to R-7, Residential district and to find it to be **Consistent** with the relevant policies in the Comprehensive Plan * Per NC General Statute 160A-383, the Comprehensive Plan includes the *Create Wilmington Comprehensive Plan* and any other officially adopted plan that is applicable, based on the application materials, and the information provided at the public hearing and in the staff report, and to find **Approval** of the rezoning request is reasonable and in the public interest for the following reason(s): rezoning the 26 parcels to R-7, Residential would create conforming lots based on minimum lot size and lot width and would not increase the currently allowed density.

The motion was seconded by Councilmember Anderson and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Anderson, seconded by Councilmember Lawler and carried unanimously.

Public Hearing was heard on **Ordinance Amending the Official Zoning Maps of the City to Rezone Property Located at 5580, 5582, 5584 Sycamore Street from MHP, Manufactured Housing Park District to R-7, Residential District.**

Ms. Megan Upchurch, Associate Planner gave the Staff report and findings of fact. She stated that this request was originally presented to the Planning Commission at their February 7, 2018 meeting as a rezoning request from MHP to R-15. The applicant wanted to keep the rezoning consistent with the adjacent R-15 use which also has a mapping discrepancy along Wrightsville Avenue similar to the previous case. The applicant requested at Council's March 6, 2018 meeting that the case be remanded back to the Planning Commission in order for the applicant to amend the request of R-15 to R-7 in order to stay consistent with the recommended rezoning of the parcels along Wrightsville Avenue. The Planning Commission heard the amended case at their April 4, 2018 meeting. The proposed site is approximately .69 of an acre and is currently undeveloped. Stick built homes are not permitted in MHP, and zoning to R-7 would allow these types of homes to be constructed. The proposed site is surrounded by property zoned MHP to the north, south, east, and west; and land uses include mobile homes to the north, east, and west with vacant land and single family to the south. The Planning Commission at their April 4, 2018 meeting voted for the approval of this rezoning. She added that Staff believes the proposed rezoning site is consistent with the Comprehensive Plan, the Wilmington Strategic Plan, and is in the public interest.

Mr. Damien Buchanan, Realtor/Broker Coastal Properties representing the applicant, Swan Song Properties, stated that the reason for the rezoning of the proposed project is to build single family homes.

There being no one present to speak in favor or opposition, the public hearing was closed.

Councilmember Barnett moved approval of the Ordinance and read the consistency statement as follows:

I move to **APPROVE** the proposed amendment to rezone property located at 5580, 5582, and 5584 Sycamore Street from MHP, Manufactured Housing Park district to R-7, Residential district and to find it to be **Consistent** with the relevant policies in the Comprehensive Plan* Per NC General Statute 160A-383, the Comprehensive Plan includes the *Create Wilmington Comprehensive Plan* and any other officially adopted plan that is applicable, based on the application materials, and the information provided at the public hearing and in the staff report, and to find **Approval** of the rezoning request

is reasonable and in the public interest for the following reason(s): the subject properties are in a neighborhood scale infill development area, and rezoning the three properties to R-7, Residential would retain conforming lots based on minimum lot size and lot width and would yield no net density increase.

The motion was seconded by Councilmember O'Grady and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember O'Grady, seconded by Councilmember Anderson and carried unanimously.

Public Hearing was heard on Ordinance Amending The Official Zoning Map Of The City to Rezone Property Containing 9.40 Acres Of Land Located at 294 Military Cutoff Road From MHP, Manufactured Housing Park and SHOD, Special Highway Overlay District To MF-M (CD), Multi-family Medium (Conditional District) without the SHOD, Special Highway Overlay District To Allow For 98 Townhomes.

Ms. Nicole Smith, Associate Planner gave the Staff report and findings of fact. She stated that the site is located on the west side of Military Cutoff Road between Gordon and Covil Farm Roads. The site's 9.40 acres includes former Wheel Estate Mobile Home Park and adjacent right-of-way, and is currently vacant. The property northwest and south of the request is zoned RB and O&I-1 and contains no residential uses; east of the request is right-of-way and single family homes zoned County R-15. The proposal includes 15 2-story residential buildings, a 4,400 sq. ft. club house, neighborhood mail Kiosk, swimming pool, and several pocket parks. Primary access to the site will be limited to a right-in/ right-out driveway on to Military Cutoff Road. Ms. Smith stated that the applicant provided a Traffic Impact Analysis (TIA) to determine the potential traffic impacts of the proposed project and briefly went over the TIA 2020 analysis findings. She added that the proposed rezoning and design preserves many of the site's natural amenities and will provide a different type of housing stock to the area. Ms. Smith specified that the amendment is consistent with the Create Wilmington Comprehensive Plan, City's Adopted Focus Areas, and Staff believes the request to be reasonable and in the public interest. The Planning Commission held a public meeting on April 4, 2018. Four (4) citizens spoke in opposition of the request because of traffic, density, water shed impacts, and storm water infiltration concerns. The Planning Commission approved the request, and the applicant agreed to add two (2) stub connections to ensure future vehicular connectivity to the west and south.

Mr. Matthew Nichols, Attorney representing the applicant, Tribute Companies stated that this request is the first of two (2) projects being proposed at tonight's Council meeting and presented a list of the applicants design team and consultants for the project. Mr. Nichols emphasized three (3) main planning considerations for the proposed development that included: 1) Developing the best site plan for the project; 2) Careful consideration of transportation study and planning; and 3) Environmental planning and preservation emphasizing low impact development techniques.

Mr. Scott Stewart, Landscape Architect stated that the mission of the proposed project is to create a development that is sustainable and designed for a use that the land can support. Arboretum Village was first approached by studying the property particularly creating a pattern between Arboretum Village and Arboretum West to promote future connectivity. He added that City Staff Mr. Aaron Reese, Forestry Management Supervisor and Bill McDow, Staff Engineer were instrumental in creating a configuration that looked natural. Mr. Stewart stated that the envelopes of the existing tree canopy and the trees in the center of the project (some over 100 years old) will be preserved within the pattern of the site plan.

Mr. Nichols pointed out that on the Comprehensive Plan Growth Strategies designates this area as a high density transition area. He went over horizontal mixed uses that included: businesses, restaurants, pharmacies, grocery stores, and churches. Mr. Nichols introduced Mr. Rynal Stephenson, Transportation Manager of Ramey, Kemp & Associates.

Mr. Stephenson stated that a TIA was not required because the site generated few trips and did not meet the threshold for TIA requirements. The trips studied did not take into account the mixed use nature of the surrounding properties; however there may be fewer trips generated due to the pedestrian and vehicular connectivity to the surrounding commercial areas. He gave a summary of the TIA report that included: site access on Military Cutoff Road; impact of site trips on intersections; and site access movements.

Mr. Nichols stated that the applicant also engaged Spangler Environmental, Inc. to consider environmental attributes. He emphasized that the proposed project would protect Howe Creek and utilize Low Impact Development (LID) techniques.

A lengthy question/answer and discussion period was held.

Mr. Stewart stated that there is approximately one mile of sidewalk for the 8.5 acres and 98 townhome units. The sidewalk program is in front of every townhome and connects all the way through a sidewalk connection that will eventually be built through the Harris Teeter parking lot so that people can walk to the shopping center.

Ms. Cindee Wolf, Design Solutions stated that this project will have individual ownership of the units making it of a size and housing product that could not support affordable housing units.

Mr. Stewart stated that there are 157 surveyed trees on the property and there are approximately 37 that are being removed. All of the majestic trees and Oaks are all being preserved. Tribute Companies' arborist from Connolly Tree Preservation helped to ensure that all utility alignment for all infrastructures and infiltration would circumvent and preserve the trees post construction.

Everyone being given an opportunity to be heard, the public hearing was closed.

Councilmember Barnett moved approval of the Ordinance and read the consistency statement as follows:

The proposed amendment to rezone property located at 294 Military Cutoff Road from MHP(CD), Manufactured Housing Park (Conditional District) and SHOD, Special Highway Overlay District to MF-M (CD), Multiple Family Residential District, Medium Density (Conditional District) without the SHOD to allow for 98 townhomes and to find it to be **Consistent** with the relevant policies in the Comprehensive Plan* Per NC General Statute 160A-383, the Comprehensive Plan includes the *Create Wilmington Comprehensive Plan* and any other officially adopted plan that is applicable, based on the application materials, and the information provided at the public hearing and in the staff report, and to find **Approval** of the rezoning request is reasonable and in the public interest for the following reason(s): the proposed development proposes townhomes and residential amenities adjacent to an existing commercial center and includes both a pedestrian and vehicular connection to an array of goods and services; the design of the project preserves many of the site's natural amenities and will provide a different type of housing stock to the area.

Councilmember Lawler inquired if the motion included the reference of the tree survey.

Mr. Ron Satterfield, Assistant Planning Director stated that there is a site plan PH4-43 provided by Stroud Engineering that identifies protected trees.

The motion was seconded by Councilmember O'Grady and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Rivenbark, seconded by Councilmember Anderson and carried unanimously.

Public Hearing was held on **Ordinance Amending the Official Zoning Maps of the City to Rezone Property Containing 19.84 Acres Located at 101-136 W Westwood Drive, 108 Station Road, and 330 Military Cutoff Road from MHP, Manufactured Housing Park, O&I-1, Office & Institutional District-1, and SHOD (Special Highway Overlay District) to CB(CD), Community Business (Conditional District) without the SHOD for a Mixed-use Development with 18,000 Square Feet of Commercial and Office Space and 360 Multi-family Residential Units.**

Mr. Brian Chambers, Senior Planner gave the Staff report and findings of fact. He stated that the site is located northwest of the intersection at Military Cutoff and Station Roads. The site includes 19 residential lots, a vacant manufactured housing park, and a small office park. The applicant proposes to employ a Commercial District Mixed Use provision which would allow residential uses to be included in commercial development. The parcel will include 181 one-bedroom units and 182 two-bedroom units, 10,000 sq. ft. of office space, 3,000 sq. ft. of retail space, and 5,000 sq. ft. of restaurant space. Access would be provided by a new private street that would run through the site and would align with the existing traffic signal at

Arboretum Drive with a right-in/right-out only entrance. The applicant intends to leave the existing tree line along Station Road frontage in place. The applicant has committed to providing an affordable housing component within this project for a period of ten (10) years. Mr. Chambers briefly discussed traffic impacts and gave Council a summary of options to migrate traffic on overcapacity of roads (attachment 10). Staff agrees that the project would allow for a more viable land use and is consistent with the City's Economic Development Priorities, and that it will improve the form and function of an underutilized site by maximizing land use efficiency. A Traffic Impact Analysis was required for this project and the approval letter for the TIA was issued on March 28, 2018 (attachment 13). Staff believes that the proposal is consistent with the Comprehensive Plan, the City's Adopted Focus Areas, and is reasonable and in the public interest. The Planning Commission at their April 4, 2018 meeting voted for approval 6-1.

A question/answer and discussion period was held.

Mr. Matt Nichols, Attorney representing the applicant, Tribute Companies stated that his client has assembled the same team for this project with the exception of Howard Resnick, Civil Engineer. He specified that the Arboretum West site is a more dynamic site compared to the previous request in terms of size, location, proposed connectivity, and mixture of uses.

Mr. Scott Stewart, Landscape Architect stated that the existing trees on the Arboretum West Site Plan defines the main street corridor spine of the neighborhood. Mr. Stewart indicated that the Station Road corridor has a terrific existing storm water program and canopy; therefore a new storm water program will not be introduced and the canopy will be maintained. He added that the proposed site will have 15 buildings containing 24 units, and each building will accommodate 42 parking spaces. The uses upfront of the proposed site include the Arboretum offices, a bank, coffee shop, boutique retail mix, and two restaurants.

Mr. Stewart stated that there are two (2) miles of sidewalk in the proposed site and the multi-use path is going to be on the Tribute Companies property as an easement in order to preserve the existing tree cover. He added that regarding connectivity to the north, the Planning Staff wanted to ensure that parallel parking would be arranged. There is another connectivity requirement regarding Peace Baptist Church. The Church has made an application for an addition to their property and will present it to Council at the May 15, 2018 meeting. He added that Tribute Companies is cooperating to align the Church's improvements with the proposed site improvements.

Mr. Rynal Stephenson, Transportation Manager, Ramey, Kemp & Associates stated that a TIA was prepared for this project in coordination with the City, MPO, and NCDOT. He gave a summary of the TIA and site access movements that included analyzed future years with/without the Avenue; analyzed multiple access scenarios on Military Cutoff Road; required improvements to minimize delays; access plan options; and transit alternatives.

Mr. Nichols stated that Spangler Environmental, Inc. looked at the environmental attributes of the site and discovered that the soil is very good: therefore allowing utilization of low impact development techniques.

Mr. Paul D'Angelo, Director of Affordable Housing, Tribute Companies stated that Wilmington's increasing rental costs is surpassing the State and National average. He added that only 14% of the existing housing stock is affordable to individuals in the Area Median Income of 80%. Mr. D'Angelo specified that it is important for this project to create housing options that are affordable to Firefighters, Police Officers, teachers, and people working in tourism, hospitality and service industries. Tribute Companies has committed for the next ten (10) years that 20% of the one-bedroom apartment units will be affordable for households making approximately 80% of the Area Median Income.

A question/answer and discussion period was held.

Mr. Tony Caudle, Deputy City Manager stated that construction for the Median Project on Market Street would be completed in 2021/2022.

Mr. Stephenson stated that the intersections that were observed included: Market Street and Station Road; Northwood Drive alignment with the site's access on Station Road; Military Cutoff Road and Station Road; Westwood Drive and Military Cutoff Road; Arboretum Drive and Military Cutoff Road; and Covil Farm Road and Military Cutoff Road. He went over the impacts that these intersections would have on Military Cutoff Road and added

that the site has minimal impact. Mr. Stephenson stated that the TIA was reviewed and approved by NCDOT, the City, and MPO.

Mr. Bill Shell, Resident stated that the proposed project presents a major traffic problem. He added that the TIA showed 5,100 new car trips a day as a result of Arboretum West, and the previous Item approved by Council showed approximately 700 additional car trips. Mr. Shell reiterated that this a disaster in the making and will only get worse. He stated that he wrote a letter to the NCDOT in February, 2018 asking them how the proposed project is going to effect Military Cutoff Road Extension and as of yet has not received a response. He added that with reference to the project's affordable housing the one-bedroom apartments costing \$900 monthly does not accommodate a family.

Mr. Peter Mudar, Resident of Seaspray Landing stated that traffic studies are made at the request of the developer and that they do not look at the whole picture. Mr. Mudar suggested that all traffic studies should be comprehensive instead considering the specifics of the developer's needs.

Mr. Steve Spain, Executive Director, Cape Fear Habitat for Humanity and member of the Cape Fear Housing Coalition asked Council to consider amending the condition related to affordable housing, and to instead have Tribute Companies make a contribution to an Affordable Housing Trust Fund in lieu of providing the one-bedroom apartments. Mr. Spain indicated that talks about establishing an Affordable Housing Trust Fund in Wilmington have been going on for 13 years, and in the meantime communities in Asheville, Durham, Charlotte, Orange County, and Greensboro have launched a trust fund to a great affect. He specified that the stumbling block for establishing an Affordable Housing Trust Fund is getting the initial investment that would make a trust fund viable. He added that a trust fund would include a revolving fund element that allows funds to be borrowed at no or low interest.

Mr. Paul Stavovy, Chairman, Cape Fear Housing Coalition stated that at the Coalition's last monthly meeting options for Tribute Companies and this property were discussed. The Coalition voted unanimously to support the creation of an Affordable Housing Trust Fund in lieu of more affordable units. He specified that a trust fund would have a longer impact on the community, and that funds could be set aside that would leverage and utilize much needed affordable housing for generations. Mr. Stavovy stated that there is an opportunity to establish a trust fund without any public input or increase in taxes, and asked Council to consider this option knowing that the Housing Coalition strongly supports it. He indicated that establishing an Affordable Housing Trust Fund could set a positive example for other developers to come to Wilmington in the future.

A question/answer and discussion period was held.

Mr. Don Bennett, City Traffic Engineer stated that Staff has thoroughly reviewed the TIA as it was proposed prior to the addition of the right-in/right-out. He read from the report provided by the applicant's engineer and stated that the queuing and blocking report specifies a simulation of runs to determine what the queues are. He went over the average weekday p.m. for a right-in/right-out scenario (traffic from Arboretum Drive and pulling it back to Station Road) and Saturday midday simulations. He added that the results use signal timing that is currently in place on the corridor. It is anticipated that the corridor would be retimed in the near future not only to accommodate other developments in the corridor but any changes that may occur as a result of the interchange project on Military and Eastwood Roads and/or the overpass at Military Cutoff Road and Market Street.

Mr. Nichols emphasized that the proposed affordable housing component of the project was part of the initial application and planning for this development by Tribute Companies. He added that his clients want to do the most good for the community, and if there is a program available that would serve as an alternative to the designated units and is acceptable to Council then Tribute Companies would participate in that program.

Mr. Spain stated that one of the purposes of an Affordable Housing Trust Fund is to provide gap funding that allows for the production of affordable housing in neighborhoods where otherwise could not happen. An Affordable Housing Trust Fund is generally used as a revolving fund because it loans money out to provide gap funding at zero or low interest, and overtime the money comes back allowing the units to be affordable and the funds to be used again. Mr. Spain added that participation in an Affordable Housing Trust Fund would provide the community more in the long run than would 36 units for ten (10) years.

Mr. Spain stated that money in an Affordable Housing Trust Fund is generally directed towards gap funding and is not the sole source of funding. For instance a trust fund

would make available to a developer funding and by filling that gap it makes housing more affordable. He added that it is common for developers to contribute to an Affordable Housing Trust Fund in lieu of affordable housing. However, in North Carolina you cannot require the inclusion of affordable housing; therefore making it a voluntary process.

Mr. Nichols stated that the proposed affordable housing units will be identical to the market rate units. He added that if there was another condition in place prior to occupancy of the development and it was acceptable to Council then his client would participate in lieu of Conditions 18-21.

Mr. John Joye, City Attorney stated that he recommends Council pass the Ordinance as written. He added that unless there is objection to the Mayor directing Staff to work on a mechanism that is acceptable then once that mechanism is in place it could be brought back to Council as an Amendment.

Mr. David Billitto stated that the City is effectively holding a development hostage in exchange for philanthropy and that this is an awful precedent to set. He added that Council is offering a bidding system that will be putting the City's approval for sale, and it is not Council's place to limit profit or mandate philanthropy. Mr. Billitto advised that Council find a solution rather than a handout in exchange for this approval. He conveyed that it is fantastic that this project offers affordable housing and asked Council to discuss with the Planning Commission the mechanism that would be used for the affordable housing component. He concluded by asking Council if it would be possible to exclude students from the mix so that the housing is actually affordable.

Ms. Letty Ann Mudar, Resident of Seaspray Landing stated that before this issue came to pass discussions were had with reference to the impact of traffic in the Seaspray Landing community. She added that traffic backs up on Seaspray Drive, as well as Sandcastle Court which feeds into Seaspray Drive. Ms. Mudar specified that there have been times when she has not been able to get out of Sandcastle Court because of traffic congestion on Seaspray Drive and Station Road. Ms. Mudar asked Council to consider that traffic is still an issue.

Everyone being given an opportunity to be heard, the public hearing was closed.

Councilmember Barnett moved approval of the Ordinance and read the consistency statement as follows:

APPROVE the proposed amendment to rezone property located at 101-136 West Westwood Drive, 108 Station Road, and 330 Military Cutoff Road from MHP(CD), Manufactured Housing Park (Conditional District) and SHOD, Special Highway Overlay District to CB (CD), Community Business (Conditional District) without the SHOD to allow for a mixed use development with 18,000 square feet of commercial and office space and 360 multi-family residential units and to find it to be **Consistent** with the relevant policies in the Comprehensive Plan* Per NC General Statute 160A-383, the Comprehensive Plan includes the *Create Wilmington Comprehensive Plan* and any other officially adopted plan that is applicable, based on the application materials, and the information provided at the public hearing and in the staff report, and to find **Approval** of the rezoning request is reasonable and in the public interest for the following reason(s): the proposed development includes a mix of uses that provides numerous services at one location, incorporates site and building designs that are compatible with surrounding uses, and provides bicycle and pedestrian improvements that increase access and mobility; the proposal includes an affordable housing component that helps address the city's desire for more workforce housing options; and the design of the project preserves many of the site's natural amenities and will provide a different type of housing stock to the area.

The motion was seconded by Councilmember Rivenbark and carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Rivenbark, seconded by Councilmember Anderson and carried unanimously.

ORDINANCES

Ordinance Amending the May 16, 2017 Ordinance To Vacate, Close And Demolish The Dwelling At 201 Meares Street As Unfit For Human Habitation Pursuant To Article V, Chapter 16 Of The City Code And Directing That A Notice Be Placed Thereon Prohibiting Its Use Or Occupancy was considered.

Mayor Pro-Tem Haynes made a motion to continue the Ordinance to Council's May 15, 2018 at the request of Staff. The motion was seconded by Councilmember O'Grady and carried unanimously.

Ordinance Making Appropriation in the Amount of \$192,943 for Immediate Repairs to City-Owned Facilities Located at 505 Nutt Street was considered.

Mr. Erris Dunston, Assistant to the City Manager for Economic Development stated that this request is to move funds from the project itself into an appropriation in order to give Staff the opportunity to do repairs to the Railroad Museum building. Ms. Dunston listed work that has been done to the building which included: repairs on the rear doors, deconstruction of doors, removal of old wood and lighting, and replacement of siding and light fixtures.

A question/answer and discussion period was held.

Mr. Tony Caudle, Deputy City Manager clarified that there was money already in an appropriation which allowed Staff to proceed with the repairs; however additional appropriation was needed to cover all the cost of the repairs that Council is now being asked to approve.

Ms. Caudle stated that the additional appropriation being requested is for the completion of the project's interior and exterior. Expenditure of funds have not been spent outside of the approval process, and there is money still available; however there is just not enough to complete the full scope of the project.

Following further consideration, Councilmember Barnett moved approval of the Ordinance, seconded by Mayor Pro-Tem Haynes and the motion carried 6-1. (Councilmember Lawler voted "No"). A second reading of the Ordinance was waived on motion of Mayor Pro-Tem Haynes, seconded by Councilmember Rivenbark and the motion carried unanimously.

Resolution to Ban the Box in Support of Fair Hiring Practices; and Ordinance Amending the Code of Ordinances of the City of Wilmington, North Carolina, Part II General Ordinances, Chapter 8 Personnel were considered.

Mr. Clayton Roberts, Human Resource Manager stated that the Ban-the-Box is a national movement. He added that 31 states, 150 cities, and counties have already passed a Ban-the-Box Resolution. Mr. Roberts specified that Ban-the-Box gives applicants a fair chance at employment by removing the criminal conviction question from the application and delaying the criminal background checks until a conditional offer of employment has been made. Mr. Roberts added that Ban-the-Box policy ensures that hiring practices does not discourage people with criminal records from employment, it reduces recidivism, and builds stronger communities.

Ms. Meredith Everhart, Deputy City Attorney stated that there are two (2) parts of the request: 1) the Resolution – to show support of the Ban-the-Box movement and to give direction for following processes with the City; and 2) the Ordinance – amending the current Background Check Ordinance. She discussed the Background Check Ordinance changes and added that in Council's packets there is an amended Ordinance from what was originally in their packets because one of the offenses (sexual battery) a disqualifying offense in Paragraph (a) was left off. Ms. Everhart advised Council to consider voting to adopt the amended Ordinance.

Following further consideration, Councilmember Lawler moved approval of the Resolution, seconded by Councilmember O'Grady and the motion carried unanimously.

Following further consideration, Mayor Pro-Tem Haynes moved approval of the Revised Ordinance, seconded by Councilmember Barnett and the motion carried unanimously. A second reading of the Ordinance was waived on motion of Councilmember Barnett, seconded by Councilmember Rivenbark and the motion carried unanimously.

RESOLUTIONS

Resolution Condemning Acts of Gun Violence and Recognizing the “March for Our Lives” And Other Peaceful Efforts to Reduce Gun Violence was considered.

Councilmember Rivenbark stated that this Resolution came as a result of comments made by students and parents regarding the violence that has happened in the country. He added that he believes it is important that students and parents know that this is not something that is going to be forgotten.

Following further consideration, Councilmember Rivenbark moved approval of the Resolution, seconded by Mayor Pro-Tem Haynes and the motion carried unanimously.

ADDITIONAL INFORMATION

Mayor Pro-Tem Haynes stated that the Polls are open and encouraged everybody to please go out and vote.

Mayor Saffo thanked Congressman David Rouzer for getting \$6.7 million appropriated from the United States Congress to fix the bulkhead at Market and Princess Streets. This appropriation would allow the City to proceed with the improvements to the Riverfront Park.

ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 10:33 P.M.

Respectfully Submitted,

Penelope Spicer-Sidbury,
City Clerk

NOTE: THE ABOVE MINUTES ARE NOT A VERBATIM RECORD OF THE PROCEEDINGS. THE ENTIRE PROCEEDINGS ARE RECORDED ON TAPES 1, 2 AND 3 AND ARE INCLUDED AS PART OF THIS OFFICIAL RECORD.